

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE 07-111**

**IN RE: ROBERT L. WINLOCK
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER
Initiation of Administrative Proceeding
And Formal Complaint**

The Executive Branch Ethics Commission (the "Commission"), upon its own motion, initiated a preliminary investigation of Robert L. Winlock (the "Respondent"), pursuant to KRS 11A.080(1), on September 30, 2004. The scope of this investigation was expanded on May 10, 2007.

At all relevant times the Respondent was a "public servant" as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether there was probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the "Ethics Code").

The Commission in the course of its investigation focused upon whether the Respondent violated KRS 11A.020(1) by using his official position as head of the consumer affairs office in the Office of the Attorney General to gain financial benefits from a car dealership, J. D. Byrider; and whether the Respondent violated KRS 11A.045(1) by accepting gifts, in the form of financial benefits in the trade-in/purchase of automobiles, from the same car dealership, a company regulated by or attempting to influence the actions of his agency.

The Commission notified the Respondent of the preliminary investigation by letter dated October 1, 2004. The Commission notified the Respondent of the expanded scope of the investigation by letter dated May 14, 2007. During the course of the investigation, the

Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on October 19, 2007, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violation, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

IT IS THEREFORE ORDERED that:

1. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.
2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that she committed the Ethics Code violation set forth in the Allegations of Violation, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.
3. All material submitted to the Commission shall be addressed to the Executive Branch Ethics Commission, The Vest-Lindsey House, 401 Wapping Street, Frankfort, Kentucky 40601. The Commission is represented by John R. Steffen, General Counsel, who may be contacted through the Commission's office at (502) 564-7954.
4. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.
5. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence

which will be used at the hearing and any exculpatory information in the Commission's possession.

6. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.


7. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

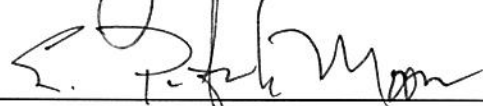
8. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

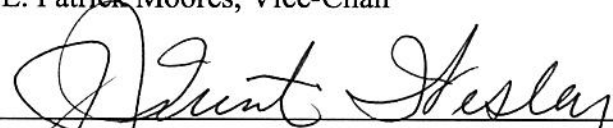
9. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 19th day of October, 2007.

EXECUTIVE BRANCH ETHICS COMMISSION:



John A. Webb, Chair

E. Patrick Moores, Vice-Chair

J. Quentin Wesley

Ronald L. Green

**APPENDIX A
CASE NO. 07-111
INITIATING ORDER**

ALLEGATION OF VIOLATION

The Respondent, Robert L. Winlock, was an employee of the Commonwealth of Kentucky, serving as an Investigator with the Office of Consumer Protection within the Office of the Attorney General. The Respondent was subject to the jurisdiction of the Commission at all relevant times. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Winlock committed the following violations:

COUNT I

That on or about August 23, 1996, October 10, 2000, February 15, 2002, and December 15, 2003, Winlock accepted from J. D. Byrider significant financial benefits relating to his trade-in/purchase of used cars amounting to a value greater than \$25 on each occasion. J. D. Byrider was a business regulated by the agency and division by which Winlock was employed and against which numerous complaints had been filed by the public. These facts constitute a violation of KRS 11A.045(1).

KRS 11A.045(1) provides:

(1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

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